



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,051	03/27/2000	Takayuki Katoh	00191/LH	5649

7590

07/29/2004

Frishauf Holtz Goodman Langer & Chick PC
Leonard Holtz
767 Third Avenue
25th Floor
New York, NY 10017-2023

EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,051

Applicant(s)

KATOHI, TAKAYUKI

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 2,3,5-8,10,11,13-19,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 4,8,9,12 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME
PRIMARY

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2626

Detailed Action

1. The following is a quotation of the appropriate paragraphs of 35 U.S. C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U. S. C. 122(b). Therefore, this application is examined under 35 U. S. C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S. C. 102(e)).

Claims 2, 3, 5-7, 10, 11, 13-19, 21 ad 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Janssen.

With respect to claim 2, Janssen teaches a textile printing apparatus, shown by figure 1 a, comprising: inputting means for inputting image data, see col. 11, lines 42-47; a display (taught at col. 17, lines 60-64); image processing means (program module 80 , color kitchen 40, printer program module 90), for applying image processing to the image so as to make colors of the image indicated on the display close to desired colors; and a printer 100 to print the image on a fabric (col. 1, lines 19-25) based on the image data applied with the image processing by the image processing means shown in figure 1b. Janssen teaches wherein the image processing means (purified stock solutions) applies a first color converting processing to the image data inputted by the inputting means in accordance with a kind of the fabric (col. 4, lines 30-34) and indicates the image on the display (col. 17, lines 60-64)f based on the image data applied with the color converting processing, he image processing means applies a converting processing (which permits same standard colorants 20 to be used) to the image data applied with the image processing (purified stock solution 30) by the image processing means in accordance with the kind of the fabric; and printer 100 for printing the image on the fabric as claimed.

With respect to claim 3, Janssen teaches a memory 112 for storing a **first** color converting table 111 to apply the first color converting processing and information to apply the converting processing, wherein the image processing means (printer program module 90) applies the first color converting processing based on the first color converting table (111) stored in the memory 112 and applied the converting processing based on the information stored in the memory.

With respect to claim 5, Janssen teaches image processing means 90 which applies the first converting processing to the image data inputted by the inputting means (col. 11, lines 42-47) based on the first color converting table in accordance with the kind of fabric, see col. 4, lines 3034.

Art Unit: 2626

With respect to claim 6, Janssen teaches wherein the converting processing is a second color converting processing (performed by any of purified stock (n) modules) in accordance with the kind of the fabric.

With respect to claims 7 and 13, Janssen teaches wherein the converting processing is a second color converting processing in accordance with the kind of the fabric (col. 4, lines 30-34) and the information is a second color converting table to apply the second color converting process. The second process is the other of plural purified stock solution 30.

With respect to claim 10, Janssen teaches transmitting means for transmitting the color measuring color patch printed on the fabric by the printer. This corresponds to the spot coloring. See col. 18, line 58 - col. 19, line 4; and receiving means 110 for receiving the first color converting table to apply the first color converting processing and the information to apply the converting process in accordance with the type of fabric, see col. 4, lines 30-34, wherein the image processing means 90 applies the first color converting process based on the first color converting table 111 received by the receiving means and applies the converting processing based on the information received by the receiving means 110.

With respect to claim 11, Janssen teaches a module 90 for setting a ratio of mixing different colors of ink.

With respect to claim 14, Janssen teaches wherein the image processing means 90 applies a color processed via first color conversion table 111 in accordance with the kind of fabric received by the receiving means 110.

With respect to claim 15, Janssen teaches wherein the image processing means 90 applies the second color converting means (the other of n colors) based on the second color converting table 111 in accordance with the kind of the fabric received by receiving means 110.

With respect to claim 16, Janssen teaches a ink jet printer 1000, see also step 608 of figure 6.

With respect to claim 17, Janssen teaches receiving means (according to col. 11, lines 42-47) for receiving data obtained by measuring colors of a color patch (spot coloring) by spraying plural different color inks on to a fabric (see col. 18, line 58 to col. 19, line 4; determining means (modules 90) for producing ink spraying data (spot coloring for mixing of colors) corresponding to the kind of fabric to be printed based on received data (see col. 4, lines 30-34) see also col. 20, lines 18-22) and transmitting means (ink jet nozzles taught at col. 20, line 60) for spraying the data.

With respect to claim 18, Janssen teaches wherein the ink spraying data includes a color manager 90 for mixing ratio of different color inks.

With respect to claim 19, Janssen teaches wherein the determining means produces the ink spraying data by changing ink spraying data predetermined in accordance with a kind of fabric.

The user determines the different ink spray characteristics by performing spot printing according to col. 18, lines 56-67.

Art Unit: 2626

With respect to claim 21, Janssen teaches a determining means 90 which produces a color conversion table 111 corresponding to the kind of fabric as the ink spraying data, see col.4, lines 30-34.

With respect to claim 22, Janssen teaches wherein the printer is an ink jet printer 100, see 608 according to figure 6.

Objected Claims

2. Claims 4, 8, 9, 12 and 20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims Allowed

3.

— Claim 23 is allowed for the reason the prior art does not provide in claimed combination, "... a converter which converts the adjusted image data into print image data to be used for print, wherein the converter has a converting table being provided according to a kind of a textile and having an information with respect to a maximum ink amount per a unit area of the textile..."

4.

Examiner's Remarks

Applicant contends that there is no color conversion process in accordance with a fabric taught by Janssen. The examiner disagrees. Janssen teaches a memory 112 for storing a first color converting table 111 to apply the first color converting processing and information to apply the converting processing, wherein the image processing means (printer program module 90) applies the first color converting processing based on the first color converting table (111) stored in the memory 112 and applied the converting processing based on the information stored in the memory. The color process is with respect to different fabrics which include plastics and foils, see col. 10, lines 15-22. Janssen also mentions in the Background of the Invention, that printing is performed on clothing, fabrics and furniture upholstery as the textiles for which the present invention is directed.

Art Unit: 2626

5.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II

JEROME GRANT II
PRIMARY EXAMINER